USDC SDNY

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on October 31, 2017, Magistrate Judge Netburn issued a Report and Recommendation to deny Plaintiff's motion for summary judgment and grant Defendant's crossmotion for judgment on the pleadings;

WHEREAS, no timely objection was filed;

WHEREAS, the Report and Recommendation is not "clearly erroneous or contrary to law." *See* Fed. R. Civ. P. 72(a). It is hereby

ORDERED that the Report and Recommendation is adopted. For the reasons stated in the Report and Recommendation, Plaintiff's motion for summary judgment is DENIED, and Defendant's cross-motion for judgment on the pleadings is GRANTED.

The Clerk of Court is respectfully directed to close the case and all pending motions.

Dated: November 21, 2017 New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE